

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**Timothy Jackson,**

Plaintiff,

v.

**Laura Wright, Milton B. Lee, Melisa Denis, Mary Denny, Daniel Feehan, A.K. Mago, Carlos Munguia, and G. Brint Ryan,** each in their official capacities as members of the Board of Regents for the University of North Texas System; **Rachel Gain; Ellen Bakulina; Andrew Chung; Diego Cubero; Steven Friedson; Rebecca Dowd Geoffroy-Schwinden; Benjamin Graf; Frank Heidlberger; Bernardo Illari; Justin Lavacek; Peter Mondelli; Margaret Notley; April L. Prince; Cathy Ragland; Gillian Robertson; Hendrik Schulze; Vivek Virani;** and **Brian F. Wright,** Defendants.

Case No. 4:21-cv-00033-ALM

**AFFIDAVIT OF MICHAEL THAD ALLEN**

I am an attorney admitted to this Court pro hac vice and an attorney admitted to the United States District Court of Connecticut, Massachusetts, and the Northern District of New York.

I make the following statements based on my direct experience for the purpose of authenticating the following documents:

1. Attached as **Exhibit A** is an excerpt of the Deposition of Levi Walls, former editor of the Journal of Schenkerian Studies, dated May 18, 2021.
2. Attached as Exhibit B is a true copy of UNT's policy captioned, "Academic Freedom and Academic Responsibility," guaranteeing academic freedom and freedom of

speech, which it promulgates in the public domain, available at

<https://policy.unt.edu/policy/06-035>.

3. Attached as **Exhibit C** is a true copy of UNT's policy captioned, Policy 02.1400 captioned, "Reporting Suspected Wrongdoing," which provides established processes and procedures for doing so, which UNT promulgates in the public domain, available at

[https://www.untssystem.edu/sites/default/files/documents/View\\_Chancellor/02.1400\\_reporting\\_suspected\\_wrongdoing\\_final\\_pdf\\_version.pdf](https://www.untssystem.edu/sites/default/files/documents/View_Chancellor/02.1400_reporting_suspected_wrongdoing_final_pdf_version.pdf), courtesy copy appended here as **Exhibit C**).

4. Attached as **Exhibit D** is a true copy of UNT's policy Policy 03.1001, captioned "Employee Grievances," which UNT promulgates in the public domain, available [https://www.untssystem.edu/sites/default/files/documents/View\\_Chancellor/03.1001\\_employee\\_grievances.pdf](https://www.untssystem.edu/sites/default/files/documents/View_Chancellor/03.1001_employee_grievances.pdf), Courtesy copy appended here as **Exhibit D**).

SIGNED UNDER THE PENALTIES OF PERJURY, THIS SECOND DAY OF NOVEMBER 2021.



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Michael Thad Allen, Esq.

Hereto witnesseth,



Commissioner of the  
Superior Court of Connecticut

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TIMOTHY JACKSON,  
Plaintiff,  
v.  
LAURA WRIGHT, et al,  
Defendants.

CASE NO.  
4:21-cv-00033-ALM

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ORAL DEPOSITION OF  
LEVI NIGEM XENON WALLS  
MAY 18, 2021  
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ORAL DEPOSITION OF LEVI NIGEM XENON WALLS, produced  
as a witness at the instance of the Plaintiff, and duly  
sworn, was taken in the above-styled and numbered cause  
on May 18, 2021, from 12:57 p.m. to 4:52 p.m., before  
Nita G. Cullen, CSR in and for the State of Texas,  
reported by machine shorthand, at the Law Offices of  
Cutler Smith, 12750 Merit Drive, Suite 1450, in the City  
of Dallas, County of Dallas, State of Texas, pursuant to  
the Federal Rules of Civil Procedure.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

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AND

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ALSO PRESENT:

MR. TIMOTHY JACKSON

1 there's something I'm forgetting, okay?

2 MR. BOHUSLAV: Okay.

3 (OFF THE RECORD FROM 4:46 TO 4:51 P.M.)

4 Q. (By Mr. Allen) Mr. Walls, I just had one last  
5 question, and it goes back to the meeting in the car you  
6 had with Professor Jackson, which you described in the  
7 middle of a snowstorm in February at some point. Did I  
8 characterize that correctly?

9 A. I wouldn't call it a snowstorm. It was just  
10 lightly snowing.

11 Q. And did you go into the car to escape the  
12 weather?

13 A. That was how he suggested it.

14 Q. Did he use force in any way?

15 A. No.

16 Q. Did he use coercion in any way?

17 A. No. I could have said "no".

18 Q. Thank you. And so, he didn't threaten you, if  
19 you did not go into his car.

20 A. No. But he suggested that we go into the car,  
21 and I just have trouble saying no to people who are my  
22 advisor. And so, even though I was uncomfortable, I  
23 went into the car.

24 Q. But you said you could have said no, correct?

25 A. Yes.

# Exhibit B



**Policy Number and Chapter:** 06.035 Faculty Affairs

**Policy Title:** Academic Freedom and Academic Responsibility

**Policy Statement.** The University of North Texas (UNT) exists for the common good. The common good depends upon the free search for truth and its free expression. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning.

Academic freedom carries with it special responsibilities correlative with rights. Faculty have the academic responsibility to subject their knowledge and postulates to rigorous review by peers who are experts in the relevant subject material, to have a firm foundation of their postulates in the most relevant and suitable available evidence, and to work with one another to provide the best education possible for our students.

**Application of Policy.** All Faculty Members.

**Definitions.**

1. Faculty Member. "Faculty Member" means a person who is employed by UNT in a faculty appointment, whose duties include teaching, research, and/or administration, including professional librarianship.
2. Unit Administrator. "Unit Administrator" means an individual with unit supervisory responsibilities. Unit administrators include, but are not limited to directors, chairs, associate deans, and deans.

**Procedures and Responsibilities.**

**I. Academic Freedom**

Consistent with the 1940 AAUP Statement on Academic Freedom, this policy affirms the Chicago principles on free expression, as articulated in the 2015 Report of the Committee on Freedom of Expression. "Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn," except insofar as this policy 1) limits inquiry and expression in subsections A, B, and C, and 2) establishes Academic Responsibilities



in section II. “[I]t is not the proper role of the university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.” Academic Freedom extends to in-person and on-line environments.

- A. Research. Faculty members are entitled to full freedom in research and in the publication or presentation of the results, subject to the adequate performance of their other academic duties and the requirements of UNT policy.
- B. Teaching. Faculty members are entitled to freedom in teaching and discussing their subject and in the selection of textbooks and other materials for their courses, but they should not introduce controversial matter that has no relation to their subject into the curriculum.
- C. Public Expression. Faculty members are citizens as well as officers of their educational institution. When faculty members speak or write as citizens, they should be free from institutional censorship or discipline. Their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and the University by their utterances. Hence, they should at all times attempt to be accurate, exercise restraint, and make every effort to indicate that they are not speaking for the institution. Faculty members are not permitted to use official letterhead or other university resources for the purpose of public expression.

## **II. Academic Responsibility**

Faculty members are expected to maintain professional competence in their field of specialization, congruent with the teaching, service, and scholarly expectations of their UNT assignments. They are expected to exercise such competence in their teaching, public lectures, discussions, publications, performances, exhibitions, or other activities whereby scholarly and professional stature are demonstrated and may be appraised.

Specific faculty members’ responsibilities include, but are not limited to: preparing for and meeting their assignments (including scheduled classes); holding office hours; conferring with, mentoring, and advising students; evaluating fairly and reporting promptly student achievements; assessing learning goals and outcomes; participating in those group deliberations which relate to the development of instructional programs; and working collaboratively with their colleagues in their respective units and with administrators to facilitate student learning and educational experiences.

Faculty members are expected to promote and maintain diversity, equity, and inclusion, congruent with the teaching, service, and scholarly expectations of their UNT assignments. This includes the promotion of inclusive learning and working environments free from

harassment, discrimination, or bias on the basis of culture, national origin, race, sex, disability, sexual orientation, gender identity and/or expression, age, religion, family structure or relationships, economic status, veteran status, or intellectual point of view.

Responsible Party: Faculty Members; Unit Administrators.

### III. **Faculty Member Redress**

The University provides timely due process for faculty member complaints and grievances in UNT Policy 06.051; redress of such grievances will follow University guidelines and processes.

Responsible Party: Office of the Provost and Vice President for Academic Affairs; faculty members; unit administrators; unit and university grievance committees.

### **References and Cross-references**

UNT Policy 06.051, Faculty Grievance

Regents Rule 06.400 Rights and Responsibilities of Faculty

1940 Statement of Principles on Academic Freedom and Tenure, American Association of University Professors

2015 Report of the Committee on Freedom of Expression, the University of Chicago

**Forms and Tools**. None.

<b>Policy Contact:</b>	Policy Director, Office of the Provost and VP for Academic Affairs
<b>Approved Date</b>	9/23/2013
<b>Effective Date</b>	9/23/2013
<b>Last Revision:</b>	10/2014; 10/21

# Exhibit C

Policies of the University of North Texas System Administration	Chapter 02
<b>02.1400 Reporting Suspected Wrongdoing</b>	Administration

**Policy Statement.** The System Administration supports and promotes a culture of compliance and accountability that encourages all members of the System Administration community to conduct themselves lawfully, honestly and with integrity. Everyone within the System Administration is expected to operate in an ethical, honest and lawful manner. Preventing and detecting criminal conduct is critical to achieving these goals. The System Administration expects and encourages all members of its community, including faculty, students, staff and individuals authorized to act on behalf of the System Administration to make good faith reports of suspected wrongdoing. Retaliation against those making good faith reports of misconduct is prohibited.

**Application of Policy.** All members of the System Administration community, including but not limited to faculty, students, staff and individuals authorized to act on behalf of the System Administration.

**Definitions.**

1. **Employee.** “Employee” means anyone employed by the System Administration, including staff and faculty.
2. **Student.** “Student” means anyone actively enrolled in at least one SCH (semester credit hour) during a given enrollment term. Student also includes individuals between academic terms that completed the most recent term and registered for the upcoming term.
3. **Retaliation.** “Retaliation” means adverse action against an individual because of the individual’s report of suspected wrongdoing or assistance in an authorized investigation of suspected wrongdoing under this policy.

**Procedures and Responsibilities.**

1. Employees and individuals authorized to act on behalf of the System Administration are required to promptly report suspected wrongdoing of any kind, including but not limited to illegal or fraudulent activity, conflicts of interest, financial misstatements, accounting irregularities, and violations of other laws, Regents Rules, System Regulations, or System Administration policies. The requirement to report suspected wrongdoing under this policy is in addition to and does not replace, change or modify reporting requirements under federal or state laws.

Responsible Party: Employees and individuals authorized to act on behalf of the System Administration

2. Students and other individuals are strongly encouraged to report suspected wrongdoing of any kind including but not limited to illegal or fraudulent activity, conflicts of interest, financial misstatements, accounting irregularities, and violations of other laws, Regents Rules, System Regulations or System Administration policies. Reports shall be made to the System Administration Compliance Office. Reports of suspected criminal wrongdoing also shall be made to a law enforcement agency, including any police department within the UNT System. Reporting suspected wrongdoing under this policy is in addition to and does not replace, change or modify reporting requirements under federal or state law.

Responsible Party: Students and other individuals connected with the System Administration, but who do not fall in the category of an Employee or individual authorized to act on behalf of the System Administration

3. Reports of suspected wrongdoing made by Employees or individuals other than Students shall be made to the System Administration Compliance Office. Reports of suspected wrongdoing made by Students shall be made to the Assistant Dean of Students Office. Reports of suspected criminal wrongdoing also shall be made to a law enforcement agency, including any police department within the UNT System. Reports of sexual harassment and discrimination also shall be made to the UNT System Equal Opportunity Office. Reports that are not within the Compliance Office's jurisdiction or the Assistant Dean of Student Office's jurisdiction will be redirected to the appropriate administrative office. Reports regarding suspected wrongdoing involving the Compliance Office or a member of the Compliance Office's staff may be made to the Chancellor. Reports by Students regarding suspected wrongdoing involving the Assistant Dean of Students Office may be made to the System Administration Compliance Office.

Responsible Party: Faculty, Students, staff or any other individual making a report or who assists in an authorized investigation of suspected wrongdoing under this policy; UNT System Equal Opportunity Office; any Police Department within the UNT System; System Administration Compliance Office; Assistant Dean of Students Office; and Chancellor

4. Officials who receive a report of suspected wrongdoing shall determine whether an investigation is appropriate and resolve the report in accordance with legal requirements and the policy requirements of the System Administration. The Chancellor, the Vice Chancellor and General Counsel and the Chief Internal Auditor shall be informed of unlawful conduct that may pose risk of significant liability or reputational harm to the System Administration or of other matters that may be a

significant compliance concern. The Board of Regents shall be informed of unlawful conduct that poses risk of significant liability or reputational harm to the System Administration or of other matters that are a significant compliance concern in the judgment of a compliance officer, the Vice Chancellor and General Counsel, the Chief Internal Auditor or the Chancellor.

Responsible Party: Officials receiving a report of suspected wrongdoing under this policy; System Administration Compliance Office; Assistant Dean of Students Office; Chancellor; Vice Chancellor and General Counsel; and Chief Internal Auditor

5. Individuals are expected to be truthful and cooperative in an investigation of suspected wrongdoing. Although cooperation is expected, a person who makes a report is not entitled to be involved in the investigation or to be advised of the status or disposition of a matter unless required by law.

Responsible Party: Faculty, Students, staff and other individuals making a report or involved in an investigation of suspected wrongdoing

6. No action shall be taken against any individual who, in good faith, reports or causes to be reported suspected wrongdoing or who assists in an authorized investigation of suspected wrongdoing. This prohibition does not extend to disciplinary action for self-reported violations. Any individual who engages in retaliation may be subject to disciplinary action, including termination of employment or authority to act on behalf of the System Administration.

Responsible Party: All faculty and staff of the System Administration

7. Individuals are required by Chapter 261 of the Texas Family Code to immediately report to local or state law enforcement authorities or to the Texas Department of Family and Protective Services when there is reason to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect. Under this Policy, Employees, Students, and individuals authorized to act on behalf of the System Administration are required to report child abuse and neglect in accordance with the specific manner required by Chapter 261 of the Texas Family Code, which is more specifically explained in System Administration Policy 02.1500. Informing a supervisor or other official of the System Administration does not fulfill this legal reporting requirement, however, a person who makes a report of abuse or neglect as statutorily required also should provide notice to the System Administration Compliance office or the Assistant Dean of Students Office when the report is made. Failure to report when required by law is a crime and grounds for disciplinary action or revocation of authority to act on behalf of the System Administration.

Responsible Party: Faculty, staff, Students, individuals authorized to act on behalf of the System Administration, and all other individuals with reason to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect

8. The Compliance Office and the Assistant Dean of Students Office will publish on its website contact information for receiving reports of suspected wrongdoing and retaliation.

Responsible Party: The System Administration Compliance Office and the Assistant Dean of Students Office

**References and Cross-references.**

Regents Rule 04.1100, Reporting Suspected Wrongdoing

Policy 02.1500, Reporting of Child Abuse and Neglect

Policy 03.701, Ethics

Approved: August 20, 2014

Effective: August 20, 2014

Revised:

# Exhibit D



<b>Policies of the University of North Texas System Administration</b>	<b>Chapter 03</b>
<b>03.1001 Employee Grievances</b>	<b>Human Resources</b>

**Policy Statement.** Regular dialog between supervisors and employees builds trust and fosters a professional work environment. The University of North Texas System Administration provides a procedure for employees to present and resolve concerns about employment conditions as a means of strengthening communication between supervisors and employees.

**Application of Policy.** This policy applies to all regular staff members.

**Definitions.**

1. **Regular Staff Member.** “Regular Staff Member” means an employee who is scheduled to work at least 20 hours per week for a period of at least 4½ months and is not employed in a position for which the employee is required to be a student as a condition of the employment.
2. **Grievance.** “Grievance” means a formal expression of disagreement or dissatisfaction with an aspect of employment such as working conditions, hours of work, compensation, environment, or relationships with supervisor and other employees, except for terminations which are reviewed under other UNT System Administration policies.

**Procedures and Responsibilities.** Regular staff members may use the grievance procedure within time limits as noted below.

1. **Informal Resolution.** Employees should first discuss work-related concerns with their supervisors as soon as possible and supervisors should respond promptly to employees’ requests for resolution. The formal grievance procedures may be used only after the concern has been discussed with the supervisor and the supervisor is unable to resolve it informally.
2. **Grievance Procedures.** A grievance should be submitted as soon as possible following an unsuccessful effort to resolve a concern informally and must be submitted no later than ninety (90) days after the date the employee disagrees with a work-related decision that can be resolved under this policy or becomes dissatisfied with his or her working conditions.

- a. Failure to present a grievance in accordance with the time limits set out in this policy shall constitute waiver of the grievance unless the employee shows good cause for late submission of the concern.
  - b. A grievance must be submitted, in writing, to the supervisor and must set out: the name of the person(s) directly responsible for the disagreement or dissatisfaction; a detailed description of the condition, conduct or decision that is the basis of the disagreement or dissatisfaction; the date(s) of the occurrence(s) or decision; the location of the occurrence, if applicable; the names of any witnesses to the occurrence(s); actions taken to resolve the concern; and, the resolution sought. The employee also should include any documents or additional information that may assist in resolving the grievance. The Human Resources Department must be provided a copy of the grievance at the time the supervisor is notified.
  - c. The supervisor must decide the grievance and inform the employee of the decision, in writing, within ten (10) days of the date the grievance is received by the supervisor unless an extension is granted by the Human Resources Department. The Human Resources Department must be provided a copy of the decision at the time the employee is notified.
  - d. If the grievance is not satisfactorily resolved by the supervisor, the employee may present it to the supervisor's immediate superior within five (5) days, who will make a final decision. The grievance must be in writing and include the information described in section b above. The immediate superior must decide the grievance and inform the employee of the decision, in writing, within ten (10) days of the date of receipt unless an extension is granted by the Human Resources Department. The Human Resources Department must be consulted before the employee is notified.
3. **Suspension of Grievance.** In the event a grievance makes an allegation of discrimination, harassment, retaliation or a violation of other policies that may require investigation, the allegation will be referred to the appropriate System Administration official and the grievance suspended until a determination is made concerning whether an investigation is warranted.
  4. **At-Will Employment.** Nothing in this policy shall be construed as modifying the at-will employment relationship.

**Responsible Party:** Employee, Supervisor and Human Resources.

**References and Cross-references.**

Texas Government Code, § 617.005

Approved: 11/16/2007

Effective: 11/16/2007

Revised: 07/30/2012